

REMARKS

This Amendment is being filed in response to the Final Office Action mailed July 17, 2009, which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-6 are pending in the application, where claim 7 had been previously canceled without prejudice. Claim 1 is independent.

By means of the present amendment, claims 1-6 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to --wherein--. Such amendments to claims 1-6 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Final Office Action, claims 1-3 and 6 are rejected under 35 U.S.C. §102(b) over U.S. Patent Application Publication No. 2003/0015949 (Higashi). Further, claims 1-6 are rejected under

35 U.S.C. §102(e) over Snijkers-Hendrickx in view of U.S. Patent Application Publication No. 2004/0095076 (Kastle). Applicants respectfully traverse and submit that claims 1-6, as amended, are patentable over Higashi and Kastle for at least the following reasons.

Higashi is directed to a metal halide lamp that is "filled with a luminescent material 17 comprising 2.5 mg of CeI₃, 3.0 mg of NaI, and a combination of TlI and InI whose compositions are varied in a range from 0 to 15 wt %." (Higashi, paragraph [0030])

Kastle disclose a lamp having "a ceramic discharge vessel with the filling components of iodides of sodium, cerium and calcium in the ratio of NaI:CeI₃:CaI₂=70:10:- 20 mol % with a total mass of 5 mg and an Hg filling of 4.5 mg. (Kastle paragraph [0048])

It is respectfully submitted that Higashi, Kastle, and combination thereof, do not disclose or suggest the present invention as recited in independent claim 1 which, amongst other patentable elements, recites (illustrative emphasis provided):

 said ionizable salt consisting of NaI, TlI, CaI₂ and XI₃, wherein X is selected from the group consisting of rare earth metals.

An ionizable salt consisting of NaI, TlI, CaI₂, and XI₃ is nowhere disclosed or suggested in Higashi and Kastle, alone or in combination. Rather, Higashi discloses a lamp filling that includes CeI₃, NaI, of TlI and InI, and Kastle discloses a lamp filling that includes NaI, CeI₃, CaI₂.

Accordingly, it is respectfully submitted that independent claim 1 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6 should also be allowed based at least on their dependence from independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the

PATENT
Serial No. 10/598,261
Amendment in Reply to Final Office Action of July 17, 2009

present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
September 10, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101